

Temporary Fireworks Stands

General Information

- Applications for permits will be processed in the order in which they were received.
- An application must be submitted at least thirty days in advance of the proposed sale.
- Permit is valid only from June 19 at 8:00 a.m. through July 4, or the federally observed Fourth of July holiday if July 4 falls on a Saturday or Sunday, in the year in which the permit is issued.
- Sales only permitted between the hours of 8:00 a.m. to 10:00 p.m.
- Fireworks stands only permitted in zone districts in which retail sales are permitted.
- Each fireworks stand is limited to a maximum of three signs advertising the stand and 200 square feet of signage.
- No off-site signs are permitted.
- Any fireworks stand located in a parking lot shall not cover more than ten percent (10%) of the parking spaces.
- It is unlawful for any person to sell any permissible fireworks except from temporary fireworks stands.
- Sales from within buildings, from vehicles or trailers are prohibited.
- Contact the Frederick-Firestone Fire Protection District at (303) 833-2742.

Conditions and Standards

1. Fireworks stands shall be constructed of noncombustible or fire resistive materials.
2. When tents, canopies, or temporary membrane structures are used as fireworks stands they shall also comply with the adopted fire code. A separate building permit is required for such structures.
3. All electrical installations shall comply with the adopted electrical code.
4. Generators and generator fuel shall be located in a protected location at least 25 feet from the fireworks stand.
5. Cords and lighting shall be secured to prevent contact with combustible materials and to prevent any tripping hazards.
6. Distance to an exit from any point in a fireworks stand shall not exceed 15 feet.
7. Two exits shall be available from any point within the structure.
8. Dead-end aisles are prohibited.
9. All fireworks stands shall provide for foot traffic at grade throughout.
10. All aisles and exit openings shall be at least 48 inches in width.
11. Exits shall remain open; no curtain flap or door is allowed when the fireworks stand is occupied.
12. No fireworks stand shall be located within 100 feet of any other building, 300 feet of a vehicle fueling station, or three-fourths (3/4) of a mile from any other fireworks stand.
13. There shall not be any fireworks stored in any fireworks stand overnight. All fireworks must be removed at the end of each business day and stored in a type 1, 2, 3 or 4 magazine.
14. Each temporary fireworks stand and each retail sale shall be under the direct personal supervision of a person at least 21 years of age at all times.
15. It is unlawful for any person under the age of 18 years to sell fireworks.
16. It is unlawful to smoke inside or within 25 feet of a fireworks stand.
17. No straw, sawdust, hay, or other combustible ground cover may be located inside or within 25 feet of a fireworks stand.
18. Weeds and combustible vegetation shall be removed from the area occupied by a fireworks stand and from areas adjacent to and within 25 feet of a fireworks stand.
19. All trash and rubbish shall be kept in containers at least 25 feet from a fireworks stand.
20. No flammable or combustible liquids or gases may be stored, placed or used inside or within 25 feet of a fireworks stand.
21. One 5 pound, or larger, ABC, U.L. rated 2A-10B:C portable fire extinguisher shall be provided at each cashier location in a fireworks stand.

22. Demonstration or ignition of fireworks is prohibited within 100 feet of any fireworks stand or any combustible vegetation or materials.
23. The use of any electrical, gas or fuel fired heating device, candle, lantern, oil lamp, open flame or heat generating device or cooking equipment is prohibited within 25 feet of a fireworks stand.
24. All light bulbs in fireworks stands shall be protected and isolated from all combustible materials.
25. A working telephone shall be available within 100 feet of a fireworks stand at all times the stand is occupied.
26. A no smoking warning sign shall be prominently displayed on the exterior at each entrance and every fifteen (15) feet above product displays throughout the interior of each fireworks stand, stating: NO SMOKING. The no smoking warning signs shall be printed in red lettering on a contrasting background. Letters shall be in a block style print at least 4" high with a 1/2" stroke.
27. An unlawful purchase warning sign shall be prominently displayed at each entrance and at each cashier position in a fireworks stand stating: WARNING-IT IS UNLAWFUL FOR ANY PERSON UNDER THE AGE OF 16 TO BUY FIREWORKS. Unlawful purchase signs shall be printed in a color contrasting with the background. Letters shall be in a block style print at least 2" high with a 3/8" stroke.
28. Permit must be displayed on the premises at all times.
29. No permit shall be transferable or assignable.
30. Shall comply with all applicable Colorado laws, including, but not limited to Sections 12-28-102, 12-28-105, 12-28-108, C.R.S.
31. Other conditions as necessary.

Application Submittal

- A completed application form.
- Type of fireworks intended to be sold, the amount of merchandise to be on hand, the area or place for sale, all safety and fire protection devices to be utilized.
- Proposed signage.
- The name and address of an individual 21 years of age or older designated to receive service on behalf of applicant of any notice.
- A site plan drawn to scale showing the location and size of the fireworks stand, all property lines and improvements within 150 feet of the stand including parking lots, buildings, roadways, and overhead utilities.
- A detail of signage including size, colors, material, etc. Include location of signage on site plan.
- A copy of the applicant's Colorado Retailer of Fireworks License from the Colorado Division of Fire Safety.
- A certificate of insurance providing evidence of liability insurance, naming the Town as an additional insured. Liability insurance shall be a comprehensive general liability insurance, which affords coverage for all claims of bodily injury including death, with limits of liability of at least \$500,000.00 per occurrence and \$1,000,000.00 in the aggregate, and all claims for destruction of or damage to property, with limits of liability of at least \$500,000.00 per occurrence and \$1,000,000.00 in the aggregate, arising out of or in connection with the sale of fireworks.
- A non-refundable fee of \$150.00 for each permitted location.
- A refundable \$250.00 clean-up deposit for each permitted location.
- Written evidence of authority or permission to use the property for fireworks sales and all related activity.
- A copy of the applicant's sales tax license issued by the Town.
- A statement and evidence that the applicant is 21 years of age or older.
- Any additional information as may be requested by the Town.



Town of Firestone
151 Grant Ave PO Box 100
Firestone, CO 80520
(303) 833-3291
Fax (303) 833-4863

Temporary Use Application

Application Date: ____/____/____

Temporary Use Address: _____

Location: _____

Please complete only those items that are related to your specific type of application. Indicate each type of application request filed. Attach additional information as required by Section 6.12 of the Firestone Development Regulations. Submit this application with all accompanying materials to the Planning Coordinator, Town of Firestone.

Applicant's Name: _____

Is Applicant the Owner of the Property? If not, then complete the following information:

Mailing Address: _____

Owners Name: _____

City, State, Zip: _____

Owner's Address: _____

Phone: _____

City, State, Zip: _____

Email: _____

Owner's Phone: _____

Owner's email: _____

Indicate the type of application being submitted

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Block Party | <input type="checkbox"/> Fair | <input type="checkbox"/> Flea Market | <input type="checkbox"/> Public Concert |
| <input type="checkbox"/> Carnival | <input type="checkbox"/> Farmers Market | <input type="checkbox"/> Grand Opening | <input type="checkbox"/> Special Event |
| <input type="checkbox"/> Circus | <input type="checkbox"/> Festival | <input type="checkbox"/> Outdoor Sale | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Community Event | <input type="checkbox"/> Fireworks Stand | <input type="checkbox"/> Parade | |

Event start date and time _____

Event end date and time _____

On-site event cell phone (to be available entire duration of event) _____

On-site event manager name _____

Property zoning _____

Name & phone of security provider _____

Name & phone of EMT provider _____

Previous permit issued? _____

Name & phone of clean-up company _____

Parking spaces available or provided _____

Name & phone of waste disposal company _____

Port-o-let restrooms? Yes ☐ No ☐ Name & phone of port-o-let company _____

Property Owner signature: _____

Date: ____/____/____

The Applicant understands that this is an application only, that it must be approved, and that any required building permits must be obtained before the property can be used in accordance with the request. The Applicant further acknowledges that the above information is correct. By signing this application, the Applicant certifies that he or his consultants has read pertinent sections of the Firestone Municipal Code and will prepare application materials consistent with them.

Applicant's signature: _____

Date: ____/____/____

Temporary Use Application

Additional Information as required by Section 6.12 of the Firestone Development Regulations

- 1) Include a narrative description of the temporary use.
- 2) Provide a table that identifies the height of any structure over 10 feet.
- 3) Describe how all activities will comply with the Town's noise ordinance, as applicable.
- 4) Provide a copy of any applicable business and sales tax licenses.
- 5) Site plan. Include a complete layout of the event site with the following information, as applicable:
 - Lot or permit area dimensions (labeled in feet)
 - Location and dimension (labeled in feet) on the property of the temporary use
 - Location on the property of temporary use facilities (e.g. tables, chairs, stage)
 - Location on the property of existing and planned trash containers or dumpsters
 - Location on the property of existing and temporary use signage
 - Details of any temporary use signage
 - North arrow
 - Property address
 - Graphic Scale
 - Subdivision name, if applicable
 - Adjoining public and private streets and roads
 - Existing buildings and structures and their existing uses
 - Fire hydrant locations
 - Emergency vehicle access location
 - Event manager's office or station location
 - Existing fencing and planned temporary use fencing
 - Location of temporary use generators or source of electricity including electrical layout for power cords and power sources
 - Temporary hand washing station locations
 - Existing and planned exterior lighting
 - Existing and planned parking area locations, the locations of driveway entrances, parking stall locations; indicate the type of surface for all
 - Existing and planned pedestrian routes
 - The parking location of specific temporary vehicles or trailers
 - Existing and temporary use restroom facilities or portable toilets
 - Sound system speaker locations
 - Stages or grandstands, or similar structures
 - The location of planned temporary use utilities

Burden of Demonstrating

The applicant shall have the burden of demonstrating that the temporary use application meets all applicable conditions and standards for approval of a PUD application as set forth in Section 6.6 of these Regulations, and any approval shall be conditioned upon the applicant applying for and being granted all other permits and licenses required by the Firestone Municipal Code for the particular activities to be conducted. If the application is denied, the applicant shall be notified in writing with the specific grounds for denial. The applicant may thereafter appeal the denial of the application to the Town Manager, whose decision shall be final. Any appeal to the Town Manager shall be made in writing within fifteen days of date of the denial.

6.6 Conditions and Standards for Approval

The Planning Commission and the Town Board of Trustees may approve a PUD application if it meets the intent of these Regulations and complies with the Town Code and other controlling regulations and documents, including the development standards specified herein. The Planning Commission and Town Board shall consider the following in making their decision for approval, approval with conditions, or denial of a PUD:

- A. The proposed PUD district is compatible with present development in the surrounding area, and will not have a significant, adverse effect on the surrounding area;

- B. The proposed PUD district is consistent with the public health, safety and welfare, as well as efficiency and economy in the use of land and its resources;
- C. The proposed PUD district is consistent with the overall direction, intent of Titles 16 and 17 of the Town Code, and the intent and policies of the Town's comprehensive plan and other policy documents of the Town;
- D. The proposed PUD district provides for a creative and innovative design which could not otherwise be achieved through other standard zoning districts;
- E. The exceptions from the zoning regulations requested in the proposed PUD are warranted by virtue of innovative design and amenities incorporated in the PUD district;
- F. The PUD provides adequate circulation in terms of internal street circulation system, designed for the type of traffic generated, for separate living areas, convenience, safety, access, and noise and exhaust control. Proper circulation in parking areas shall be provided in terms of safety, convenience, separation and screening. The PUD should provide for buffering from collector and arterial streets through earthen berms, landscaping, and other methods;
- G. The PUD provides functional open space in terms of practical usability and accessibility, and optimum preservation of natural features, including trees and drainage areas, recreation, views, natural stream courses, bodies of water and wetlands;
- H. To the extent practicable, the PUD provides variety in terms of housing types, housing size, densities, facilities and open space;
- I. The PUD provides for pedestrian and bicycle traffic in terms of safety, separation, convenience, access, destination and attractiveness. If possible, there shall be an internal pedestrian circulation system separate from the vehicular system such that allows access to adjacent parcels, parks, open space, or recreational facilities within the PUD as well as links to trail systems of the Town;
- J. Building types in terms of appropriateness to density, site relationship and bulk;
- K. Building design in terms of orientation, spacing, materials, color, texture, storage, signs and lighting;
- L. Landscaping of the site in terms of purpose, such as screening, types and materials used, maintenance suitability, water demands and effect on the area;
- M. Services including utilities, fire, police protection and other such services are available or can be made available to adequately serve the development;
- N. No structures in the PUD shall encroach on a floodplain except as permitted by the Town's floodplain ordinance;
- O. No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved by the Town;
- P. Visual relief and variety of visual sitings shall be located within the PUD through building placement, shortened or interrupted street vistas, visual access to open space and other design methods;
- Q. The fiscal impacts on the Town, relative to expected service provision costs and anticipated revenue to the Town;
- R. Compliance with the provisions of any applicable intergovernmental agreements;
- S. The PUD incorporates a lighting plan and facilities to minimize of light drift outside the PUD in an effort to help preserve the night sky;
- T. To the extent reasonably practicable, the PUD shall strive to incorporate "green" building standards and design guidelines for all residential and commercial development in an effort increase energy efficiency and reduce energy consumption;
- U. To the extent reasonably practicable, the PUD shall strive to incorporate renewable energy technologies;
- V. To the extent reasonably practicable, the PUD shall strive to incorporate best management practices in recycling, water conservation, soils preservation and sustainable development practices;
- W. To the extent reasonably practicable, the PUD shall strive to incorporate Infrastructure design that emphasizes technology that will encourage the development of "knowledge workers" and will facilitate telecommuting.

ORDINANCE NO. 742

AN ORDINANCE REPEALING AND REENACTING SECTION 9.16.070 OF THE FIRESTONE MUNICIPAL CODE REGARDING THE TOWN'S REGULATION OF FIREWORKS

WHEREAS, pursuant to its authority in C.R.S. §§ 12-28-107 and 31-15-601(1)(j), the Board of Trustees previously adopted an ordinance imposing a ban on the sale, possession, and use of fireworks within the Town; and

WHEREAS, pursuant to its authority in C.R.S. §§ 12-28-107 and 31-15-601(1)(j), the Board of Trustees desires to repeal and reenact Section 9.16.070 of the Firestone Municipal Code in order to regulate the possession, discharge, sale, and display of fireworks within the Town, including permitting the sale and use of permissible fireworks under Colorado law under certain circumstances;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. Section 9.16.070 of the Firestone Municipal Code is hereby repealed in its entirety and reenacted, to read in full as follows:

9.16.070 Regulation of fireworks.

A. Definitions. For the purposes of this Section, the following words and terms shall be defined as follows:

1. "Fireworks" means any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of articles pyrotechnic and display fireworks as such terms are defined in Section 12-28-101, C.R.S. as may be amended, and permissible fireworks as defined in this Section. Excluded from this definition are the following:

a. Toy caps, party poppers, and items similar to toy caps and party poppers that do not contain more than sixteen milligrams of pyrotechnic composition per item and snappers that do not contain more than one milligram of explosive composition per item;

b. Highway flares, railroad fusees, ship distress signals, smoke candles, and other emergency signal devices;

c. Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means; and

d. Fireworks which are used in testing or research by a licensed explosives laboratory.

2. “Fireworks Stand” means any location used for the lawful sale of permissible fireworks. A fireworks stand may include any temporary structure, tent, canopy, temporary membrane structure, fenced area, or other place where permissible fireworks are lawfully sold. A fireworks stand may not be a building, vehicle or trailer.

3. “Permissible Fireworks” include:

a. Cylindrical fountains with a total pyrotechnic composition not exceeding seventy-five grams each for a single tube or, when more than one tube is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;

b. Cone fountains with a total pyrotechnic composition not exceeding fifty grams each for a single cone or, when more than one cone is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;

c. Wheels with a total pyrotechnic composition not exceeding sixty grams for each driver unit or two hundred grams for each complete wheel;

d. Ground spinners containing not more than twenty grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;

e. Illuminating torches and colored fire in any form with a total pyrotechnic composition not exceeding two hundred grams each;

f. Dipped sticks and sparklers with a total pyrotechnic composition not exceeding one hundred grams, of which the composition of any chlorate or perchlorate shall not exceed five grams;

g. Any of the following that do not contain more than fifty milligrams of explosive composition:

- i. Explosive auto alarms;
- ii. Toy propellant devices;
- iii. Cigarette loads;
- iv. Strike-on-box matches; or

- v. Other trick noise makers;
- h. Snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five units; and
- i. Multiple tube devices with:
 - i. Each tube individually attached to a wood or plastic base;
 - ii. The tubes separated from each other on the base by a distance of at least one-half of one inch;
 - iii. The effect limited to a shower of sparks to a height of no more than fifteen feet above the ground;
 - iv. Only one external fuse that causes all of the tubes to function in sequence; and
 - v. A total pyrotechnic composition not exceeding five hundred grams.

Excluded from the definition of “Permissible Fireworks” are aerial devices or audible ground devices, including, but not limited to, firecrackers.

B. Prohibited Acts. Except as provided in Subsections C, D, and E of this Section, it is unlawful for any person to possess, sell, offer for sale or possess with the intent to offer for sale, or to use, discharge or explode any fireworks within the Town.

C. Permissible Possession and Use of Fireworks. It is permissible for a person to possess permissible fireworks at any time. It is permissible for a person to use, discharge and explode permissible fireworks on private property within the Town between the hours of 10:00 a.m. to 11:00 p.m. on the Fourth of July, and when the Fourth of July falls on a Saturday or Sunday, it is permissible for a person to use, discharge or explode fireworks on the federally observed Fourth of July holiday, which generally is July 3 if July 4 falls on Saturday and July 5 if July 4 falls on a Sunday. No person shall possess, use, discharge or explode any fireworks, including permissible fireworks, while in any park, parkway, street, recreation area, trail or open space, or any other public property unless such person has first obtained a permit for the supervised display of fireworks in accordance with Subsection D below.

D. Permits for Display. The Town Manager may grant permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks and other organizations and groups.

- 1. Application for a permit shall be made in writing at least fifteen days in advance of the date of display and shall be accompanied by payment of an

application fee of one hundred dollars.

2. Every display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person.

3. Before a permit is granted, the operator and the location and handling of the display shall be approved, after investigation, by the Chief of Police and the Fire Chief or such chiefs' authorized agents.

4. No permit shall be transferable or assignable.

5. No permit shall be required for a public display of fireworks at any duly authorized county fair, or at a display of the Town, provided that the person engaging in such display has been specifically authorized in advance by the organizers of such fair to undertake such display, and such display is supervised by the county sponsoring such fair.

6. The Town Manager shall require a performance bond from the permittee in a sum not less than one thousand dollars conditioned on compliance with the provisions of this Section; except that no permittee which is a governmental entity shall be required to file such a bond.

7. The Town Manager is authorized to establish administrative rules setting forth insurance requirements for public displays of fireworks appropriate for the protection of the public and the Town.

8. The Town Manager may impose such other conditions on the permit as it determines necessary for the protection of the public and the Town.

9. All persons obtaining a permit for the public display of fireworks shall comply with all applicable Colorado laws, including, but not limited to Sections 12-28-102, 12-28-104, 12-28-105, 12-28-108, C.R.S.

E. Sale of Permissible Fireworks; Permit Required. A person may sell, offer for sale or possess with the intent to offer for sale permissible fireworks within the Town if the person first applies for and obtains a permit from the Town Manager, which permit must be displayed on the premises at all times.

1. Application. Every person who desires to obtain a permit for the sale or possession for sale of permissible fireworks shall file an application with the Town at least thirty days in advance of the proposed sale, which application shall include the following:

a. A completed application form provided by the Town including all necessary and required information regarding the permissible

fireworks intended to be sold, the amount of merchandise to be on hand, the area or place for sale, all safety and fire protection devices to be utilized, and such other information as required by the Town;

b. A site plan drawn to scale showing the location and size of the fireworks stand, all property lines and improvements within 150 feet of the stand including parking lots, buildings, roadways, and overhead utilities;

c. A copy of the applicant's Colorado Retailer of Fireworks License from the Colorado Division of Fire Safety;

d. A certificate of insurance providing evidence of liability insurance as required by Section 9.16.070.E.3 of this code, naming the Town as an additional insured;

e. A non-refundable fee of \$150.00 for each permitted location;

f. A refundable \$250.00 clean-up deposit for each permitted location;

g. Written evidence of authority or permission to use the property for fireworks sales and all related activity;

h. A copy of the applicant's sales tax license issued by the Town pursuant to section 3.08.090 of this code;

i. A statement and evidence that the applicant is 21 years of age or older; and

j. The name and address of an individual 21 years of age or older designated to receive service on behalf of applicant of any notice issued under this code.

2. Restrictions on sale; time; location. The permit for the possession for sale or sale of permissible fireworks shall be valid only from June 19 at 8:00 a.m. through July 4, or the federally observed Fourth of July holiday if July 4 falls on a Saturday or Sunday, in the year in which the permit is issued. Sales shall only be permitted between the hours of 8:00 a.m. to 10:00 p.m. Fireworks stands shall only be permitted in zone districts in which retail sales are permitted.

3. Liability insurance. All persons obtaining a permit hereunder shall procure and maintain comprehensive general liability insurance, which affords coverage for all claims of bodily injury including death, with limits of liability of at least \$500,000.00 per occurrence and \$1,000,000.00 in the aggregate, and all

claims for destruction of or damage to property, with limits of liability of at least \$500,000.00 per occurrence and \$1,000,000.00 in the aggregate, arising out of or in connection with the sale of fireworks.

4. Transfer/assign. No permit shall be transferable or assignable.

5. Processing of permits. The Town Manager shall not grant a permit for a fireworks stand located within three-fourths (3/4) of a mile from another fireworks stand for which a permit was previously granted. Applications for permits will be processed in the order in which they were received.

6. Other conditions. The Town Manager may impose such other conditions on the permit as it determines necessary for the protection of the public and the Town.

7. Compliance with laws. All persons obtaining a permit for the sale of permissible fireworks from the Town shall comply with all applicable Colorado laws, including, but not limited to Sections 12-28-102, 12-28-105, 12-28-108, C.R.S.

8. Fireworks stands. It is unlawful for any person to sell any permissible fireworks except from temporary fireworks stands authorized under this Section. Sales from within buildings, from vehicles or trailers are prohibited. Fireworks stands must comply with the following:

a. Construction. Fireworks stands shall be constructed of noncombustible or fire resistive materials. When tents, canopies, or temporary membrane structures are used as fireworks stands they shall also comply with the adopted fire code.

b. Electrical. All electrical installations shall comply with the adopted electrical code. Generators and generator fuel shall be located in a protected location at least 25 feet from the fireworks stand. Cords and lighting shall be secured to prevent contact with combustible materials and to prevent any tripping hazards.

c. Exits. Distance to an exit from any point in a fireworks stand shall not exceed 15 feet. Two exits shall be available from any point within the structure. Dead-end aisles are prohibited. All fireworks stands shall provide for foot traffic at grade throughout. All aisles and exit openings shall be at least 48 inches in width. Exits shall remain open; no curtain flap or door is allowed when the fireworks stand is occupied.

d. Location. No fireworks stand shall be located within 100 feet of any other building, 300 feet of a vehicle fueling station, or three-fourths (3/4) of a mile from any other fireworks stand.

e. Storage. There shall not be any fireworks stored in any fireworks stand overnight. All fireworks must be removed at the end of each business day and stored in a type 1, 2, 3 or 4 magazine.

f. Supervision. Each temporary fireworks stand and each retail sale shall be under the direct personal supervision of a person at least 21 years of age at all times. It is unlawful for any person under the age of 18 years to sell fireworks.

g. Smoking. It is unlawful to smoke inside or within 25 feet of a fireworks stand.

h. Signage. Each fireworks stand is limited to not more than three signs advertising the stand and 200 square feet of signage. No off-site signs are permitted.

i. Parking Lot Coverage. Any fireworks stand which is located in a parking lot shall not cover more than ten percent (10%) of the parking spaces in such lot.

j. Combustible materials, ground cover, flammables. No straw, sawdust, hay, or other combustible ground cover may be located inside or within 25 feet of a fireworks stand. Weeds and combustible vegetation shall be removed from the area occupied by a fireworks stand and from areas adjacent to and within 25 feet of a fireworks stand. All trash and rubbish shall be kept in containers at least 25 feet from a fireworks stand. No flammable or combustible liquids or gases may be stored, placed or used inside or within 25 feet of a fireworks stand.

k. Fire extinguisher. One 5 pound, or larger, ABC, U.L. rated 2A-10B:C portable fire extinguisher shall be provided at each cashier location in a fireworks stand.

l. Demonstrations or ignition of fireworks. Demonstration or ignition of fireworks is prohibited within 100 feet of any fireworks stand or any combustible vegetation or materials.

m. Ignition sources. The use of any electrical, gas or fuel fired heating device, candle, lantern, oil lamp, open flame or heat generating device or cooking equipment is prohibited within 25 feet of a fireworks stand. All light bulbs in fireworks stands shall be protected and isolated from all combustible materials.

n. Phone required. A working telephone shall be available within 100 feet of a fireworks stand at all times the stand is occupied.

o. Postings required.

i. A no smoking warning sign shall be prominently displayed on the exterior at each entrance and every fifteen (15) feet above product displays throughout the interior of each fireworks stand, stating: **NO SMOKING**. The no smoking warning signs shall be printed in red lettering on a contrasting background. Letters shall be in a block style print at least 4" high with a 1/2" stroke.

ii. An unlawful purchase warning sign shall be prominently displayed at each entrance and at each cashier position in a fireworks stand stating: **WARNING-IT IS UNLAWFUL FOR ANY PERSON UNDER THE AGE OF 16 TO BUY FIREWORKS**. Unlawful purchase signs shall be printed in a color contrasting with the background. Letters shall be in a block style print at least 2" high with a 3/8" stroke.

F. Violations; penalty. Any person who violates any provision of this Section is guilty of a misdemeanor and, upon conviction thereof, subject to revocation of the license or permit, if a license or permit has been issued to such person by the Town, in addition to the penalties set forth in Section 9.04.040 of this title. Each day or portion thereof during which any act prohibited under this Section is committed, continued or permitted shall be deemed a separate offense. The Chief of Police and the Chief's designees may seize, take, remove and destroy, at the expense of the violator, any and all fireworks stored, held, or possessed in violation of this Section.

G. Emergency Prohibition of the Use of Fireworks and Permissible Fireworks by Ordinance or Resolution. In the event that the Governor of the State of Colorado, State Legislature, or other local, state, or federal governmental entity, endowed with decisionmaking authority concerning the use and sale of fireworks and permissible fireworks, or in the event that the board of trustees, due to dry weather conditions or other factors which through the danger of fire present a health and safety concern to the citizens and property of the Town, determine that a total prohibition of the use, sale and possession of fireworks and/or permissible fireworks is necessary and required, then the board of trustees may by emergency ordinance or resolution prohibit the use, sale and possession of fireworks and/or permissible fireworks for such time and under such conditions as the board of trustees deems necessary for the health, safety, and welfare of its citizens and property.

H. Designees. Wherever this Section authorizes or requires the Town Manager or Chief of Police to undertake any action, he or she may authorize a designee to undertake such action.

Section 2. If any section, paragraph, sentence, clause, or phrase of this ordinance is

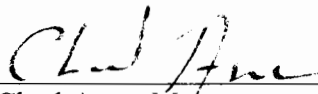
held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

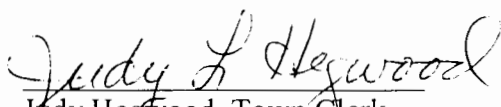
Section 4. The repeal or modification of any provision of the Firestone Municipal Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 25th day of March, 2010.

TOWN OF FIRESTONE, COLORADO


Chad Auer, Mayor

ATTEST:


Judy Hegwood, Town Clerk